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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

GLAS-WELD SYSTEMS, INC., an Oregon
corporation,

Plaintiff,

v.

MICHAEL P. BOYLE, dba SURFACE
DYNAMIX and CHRISTOPHER M. BOYLE,

Defendants.

Case No. 6:12-cv-02273-AA

**FIRST AMENDED
COMPLAINT FOR PATENT
INFRINGEMENT**

Jury Trial Requested

For its complaint against defendants Michael P. Boyle, dba Surface Dynamics, and Christopher M. Boyle, plaintiff Glas-Weld Systems, Inc. ("Glas-Weld") alleges as follows:

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INTRODUCTION

1.

This is a patent infringement and unfair competition action arising out of Michael P. Boyle and Christopher M. Boyle's unauthorized making, using, selling or offering to sell Glas-Weld's patented technology after Michael Boyle's departure from Glas-Weld, including but not limited to, improperly engaging in these infringing activities with Glas-Weld's own customers, using Glas-Weld's name in a derogatory and defamatory fashion, and otherwise using improper methods to compete with Glas-Weld.

PARTIES

2.

Glas-Weld is a corporation formed under the laws of Oregon and having a principal place of business at 20578 Empire Blvd., Bend, Oregon 97701.

3.

On information and belief, Michael P. Boyle is a citizen of Oregon having a residence at 66932 Sagebrush Lane, Bend, Oregon 97701.

4.

On information and belief, Christopher M. Boyle (collectively with Michael P. Boyle, "the Boyles") is a citizen of Oregon having a residence at 19645 Kemple Drive, Bend, Oregon 97702.

5.

Surface Dynamix is an assumed business name registered with the Secretary of State for the State of Oregon to Michael P. Boyle, with a listed principle place of business as P.O. Box 8237, Bend, Oregon 97708. On information and belief, Surface Dynamix is owned and operated by the Boyles and their agents and has a place of business at 64619 West Highway 20, Bend 97701. Christopher M. Boyle has represented himself to be the president and owner of Surface Dynamix.

6.

On information and belief, Smart Glass Repair appears to be an unregistered assumed business name being operated by the Boyles under the website smartglassrepair.com.

JURISDICTION AND VENUE

7.

This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a) in that this is an action arising under the patent laws of the United States, more particularly, 35 U.S.C. § 271 *et seq.*

8.

This Court has personal jurisdiction over the Boyles, because the Boyles reside and regularly do business in Oregon and in this Division of this District of Oregon.

9.

Venue as to the Boyles is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400 in that the Boyles reside and regularly do business in Oregon and in this Division of this District of Oregon.

FACTS

10.

Glas-Weld was founded in 1982 and for the past thirty (30) years has been an international industry leader in the field of windshield repair. Glas-Weld offers high-quality and innovative glass repair products and services, and owns several issued patents relating to same.

11.

On September 23, 1997, U.S. Patent No. 5,670,180 ("the '180 Patent"), entitled "Laminated Glass and Windshield Repair Device," was duly and legally issued to Glas-Weld by the United States Patent and Trademark Office. The named inventors on the

'180 Patent are Randy L. Mackey and Robert A. Beveridge. Glas-Weld is the current and sole owner of the '180 Patent. A true and correct copy of the '180 Patent is attached hereto as Exhibit A.

12.

On May 24, 2005, U.S. Patent No. 6,898,372 ("the '372 Patent"), entitled "Lamp System for Curing Resin in Glass" was duly and legally issued to Glas-Weld by the United States Patent and Trademark Office. The named inventors on the '372 Patent are the defendant Michael P. Boyle and Randy L. Mackey. Glas-Weld is the current and sole owner of the '372 Patent. A true and correct copy of the '372 Patent is attached hereto as Exhibit B.

13.

The '180 Patent and the '372 Patent are presumed valid under 35 U.S.C. § 282.

14.

Michael P. Boyle was formerly employed as president of Glas-Weld. Michael P. Boyle was responsible for research and development of new glass repair technology for Glas-Weld, and as such, he had knowledge of the '180 Patent and '372 Patent, and had access to, and was intimately familiar with, all aspects of Glas-Weld's business, including its technology, trade secrets and customer lists. Michael P. Boyle was terminated by Glas-Weld in August of 2009.

15.

Although Michael P. Boyle is named as an inventor on the '372 Patent, he assigned all of his ownership rights in the '372 Patent to Glas-Weld. Accordingly, Mr. Boyle has no ownership, and no right to practice the technology claimed, in the '372 Patent.

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16.

Defendant Christopher M. Boyle was also employed by Glas-Weld in a variety of positions and held a variety of titles given to him by his father, Defendant Michael P. Boyle. Accordingly, Christopher M. Boyle had knowledge of the '372 Patent and the '180 Patent, and had access to all aspects of Glas-Weld's business, including its technology, trade secrets and customer lists. Christopher M. Boyle was also terminated by Glas-Weld, in September of 2009.

17.

After the Boyle's departure from Glas-Weld, the Boyles formed Surface Dynamix, and on or about December 1, 2010, began unlawfully marketing, advertising and selling products that infringe one or more of the claims recited in Glas-Weld's patents, including without limitation, the Halo Pro™ Curing Light and the DynaVac™ resin injector and/or substantially similar products under the Surface Dynamix name via the website surfacedynamix.com.

18.

Michael P. Boyle also improperly and unlawfully misappropriated, *inter alia*, Glas-Weld's confidential customer lists and other proprietary information. The Boyles, through Surface Dynamix and/or Smart Glass Repair, continue to unlawfully use Glas-Weld's customer list(s) and other proprietary information to sell, or attempt to sell, infringing products to Glas-Weld's customers, thereby introducing unauthorized, "knock-off" products and decreasing Glas-Weld's market share.

19.

Michael P. Boyle was prosecuted for various counts, including felony identity theft of trade secrets stemming from his theft of Glas-Weld's customer list and unauthorized access to Glas-Weld's computers. Michael P. Boyle was indicted by a Deschutes County Oregon Grand Jury on two felony counts of Identity Theft and two

felony counts of Computer crime stemming from a Bend Oregon Police Department investigation into the fact that Glas-Weld's online store customer list was downloaded using unauthorized user names and passwords. The list was downloaded to two separate IP addresses that proved upon investigation of the Bend Police Department to be owned or used by Mike Boyle. Indeed, on information and belief, Mr. Boyle and/or his agents went so far as to list Glas-Weld's customer list for sale on eBay during the pendency of his criminal investigation. See Exhibit C.

20.

The criminal case against Michael P. Boyle was resolved when, as part of a negotiated plea, Mr. Boyle pled guilty through an Alford plea, as to one misdemeanor count of identity theft. The conviction, dated December 7, 2012, is attached hereto as Exhibit D. As part of that order Michael P. Boyle was ordered by the Court to have "[n]o contact with Glasweld [sic.] or current employees[.] or [former Glas-Weld employee] Lori Patch" *Id.*

21.

Following his conviction, Michael P. Boyle continued to send out emails directed to Glas-Weld's customers, further deriding and defaming Glas-Weld and its owner. See Composite Exhibit E. Mr. Boyle further sent out emails to Surface Dynamix customers which he signed as follows, unlawfully using Glas-Weld's trade name:

Mike Boyle

X- President

GlasWeld Systems

See Exhibit F.

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22.

Michael P. Boyle has also written to Glas-Weld's foreign customers, misrepresenting the results of his criminal conviction and defaming Glas-Weld. See Exhibit G.

23.

At least as early as January of this year, Michael P. Boyle posted a presentation which he sent out to his customers falsely accusing Glas-Weld of stealing the technology for its curing lamp products from Randy Dietz of Atlas Windshield Repair. He further falsely accused Glas-Weld of withholding the existence of Mr. Dietz's product from the Patent Office. This presentation also included Glas-Weld business records which, on information and belief, Michael P. Boyle misappropriated. See Exhibit H.

24.

However, Glas-Weld did disclose Mr. Dietz's product to the USPTO during the prosecution of the '372 Patent. See Composite Exhibit I. Moreover, the examiner was aware of Mr. Dietz's product, cited it against the applicant during prosecution, and the disclosure of this product was overcome in order to secure an allowance. *Id.*

25.

As part of Michael P. Boyle's campaign against Glas-Weld, Christopher M. Boyle wrote false and derogatory emails about Glas-Weld to its customers, and further posted a similar presentation online on the Surface Dynamix site. See Exhibit J. He further picketed Glas-Weld's offices, while carrying false and derogatory signs about Glas-Weld's owners and officers. See Exhibit K.

26.

Subsequent to the institution of the lawsuit, Christopher M. Boyle began sending Glas-Weld and its employees harassing and degrading emails. See Exhibit L.

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27.

On information and belief, Michael P. Boyle and/or Christopher M. Boyle, and/or their agents maintain a Facebook page dedicated to harassing and deriding Glas-Weld and its employees. See Exhibit M.

28.

The Boyles' actions have irreparably harmed and damaged Glas-Weld and will continue to do so unless he is enjoined by the Court.

COUNT I

(Direct Infringement of the '180 Patent by Michael P. Boyle)

29.

Glas-Weld repeats and incorporates herein Paragraphs 1-28 of this First Amended Complaint.

30.

Michael P. Boyle, dba Surface Dynamix, and/or through Smart Glass Repair, makes, uses, sells or offers for sale in the United States, or imports into the United States, resin injector products, including without limitation, Surface Dynamix's DynaVac™ products and substantially similar products, which embody the claims of the '180 Patent ("the '180 Accused Products").

31.

Michael P. Boyle, dba Surface Dynamix, and/or through Smart Glass Repair, has infringed and is infringing the '180 Patent by making, using, selling or offering for sale in the United States or importing into the United States the '180 Accused Products.

32.

Michael P. Boyle, dba Surface Dynamix, and/or through Smart Glass Repair, had actual knowledge of the '180 Patent and knew or should have known that the '180 Accused Products embodied the invention claimed in the '180 Patent.

33.

Michael P. Boyle, dba Surface Dynamix, and/or through Smart Glass Repair, knew or should have known that there was an objectively high likelihood that his actions constituted infringement of the presumptively valid '180 Patent, and engaged in these actions despite that risk. Therefore, the infringement was and is willful.

34.

The infringement by Michael P. Boyle dba Surface Dynamix, and/or through Smart Glass Repair, has damaged Glas-Weld, and such infringement should be permanently enjoined by this Court.

COUNT II

(Direct Infringement of the '372 Patent by Michael P. Boyle)

35.

Glas-Weld repeats and incorporates herein Paragraphs 1-28 of this First Amended Complaint.

36.

Michael P. Boyle, dba Surface Dynamix, and/or through Smart Glass Repair, makes, uses, sells or offers for sale in the United States, or imports into the United States, curing lamp products, including Surface Dynamix's Halo Pro™ products and substantially similar products, which embody the claims of the '372 Patent ("the '372 Accused Products").

37.

Michael P. Boyle, dba Surface Dynamix, and/or through Smart Glass Repair, has infringed and is infringing the '372 Patent by making, using, selling or offering for sale in the United States or importing into the United States the '372 Accused Products.

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38.

Michael P. Boyle, dba Surface Dynamix, and/or through Smart Glass Repair, had actual knowledge of the '372 Patent and knew or should have known that the '372 Accused Products embodied the invention claimed in the '372 Patent.

39.

Michael P. Boyle, dba Surface Dynamix, and/or through Smart Glass Repair, knew or should have known that there was an objectively high likelihood that his actions constituted infringement of the presumptively valid '372 Patent, and engaged in these actions despite that risk. Therefore, the infringement was and is willful.

40.

The infringement by Michael P. Boyle, dba Surface Dynamix, and/or through Smart Glass Repair, has damaged Glas-Weld, and such infringement should be permanently enjoined by this Court.

COUNT III

(Contributory Infringement of the '372 Patent by Michael P. Boyle)

41.

Glas-Weld repeats and incorporates herein Paragraphs 1-28 and 35-40 of this First Amended Complaint.

42.

Michael P. Boyle, dba Surface Dynamix, and/or through Smart Glass Repair, makes, uses, sells or offers for sale in the United States, or imports into the United States, the '372 Accused Products without a resin injector.

43.

However, these '372 Accused Products sold without a resin injector are designed for use with a resin injector, and Surface Dynamix's website shows pictures of such '372 Accused Products coupled with Resin Injectors, with a request that purchasers indicate

the type of resin injector with which the '372 Accused Products will be used. A printed copy of the Surface Dynamix website is attached hereto as Exhibit N.

44.

Accordingly, Michael P. Boyle, dba Surface Dynamix, and/or through Smart Glass Repair, knew or should have known that selling the '372 Accused Products to customers who would use the '372 Accused Products with a resin injector would constitute infringement of the '372 Patent by these customers.

45.

These '372 Accused Products without the resin injector are a component part for the patented item claimed in certain claims of the '372 Patent.

46.

The '372 Accused Products without the resin injector are a material part of the patented item claimed in one or more claims of the '372 Patent.

47.

Michael P. Boyle, dba Surface Dynamix, and/or through Smart Glass Repair, had knowledge that the '372 Accused Products without the resin injector are especially made for use with a resin injector so as to infringe the '372 Patent.

48.

Indeed, as shown by the Surface Dynamix website, Michael P. Boyle, dba Surface Dynamix, and/or through Smart Glass Repair, sold or offered for sale the '372 Accused Products without the resin injector with the intent and purpose that its customers would combine them with a resin injector and thereby infringe the '372 Patent.

49.

The '372 Accused Products without the resin injector do not have any substantial non-infringing uses.

50.

Accordingly, Michael P. Boyle, dba Surface Dynamix, and/or through Smart Glass Repair, has committed contributory infringement and is committing contributory infringement of the '372 Patent by making, using, selling or offering for sale in the United States or importing into the United States the '372 Accused Products.

51.

Michael P. Boyle, dba Surface Dynamix, and/or through Smart Glass Repair, knew or should have known that there was an objectively high likelihood that these actions constituted infringement of the presumptively valid '372 Patent, and engaged in these actions despite that risk. Therefore, the contributory infringement of the '372 Patent was and is willful.

52.

The contributory infringement by Michael P. Boyle, dba Surface Dynamix, and/or through Smart Glass Repair, has damaged Glas-Weld, and such infringement should be permanently enjoined by this Court.

COUNT IV

(Direct Infringement of the '180 Patent by Christopher M. Boyle)

53.

Glas-Weld repeats and incorporates herein Paragraphs 1-28 of this First Amended Complaint.

54.

Christopher M. Boyle, as president and owner of Surface Dynamix, and/or through Smart Glass Repair, makes, uses, sells or offers for sale in the United States, or imports into the United States, resin injector products, including without limitation, Surface Dynamix's DynaVac™ products and substantially similar products, which embody the claims of the '180 Patent ("the '180 Accused Products").

55.

Christopher M. Boyle, as president and owner of Surface Dynamix, and/or through Smart Glass Repair, has infringed and is infringing the '180 Patent by making, using, selling or offering for sale in the United States or importing into the United States the '180 Accused Products.

56.

Christopher M. Boyle, as president and owner of Surface Dynamix, and/or through Smart Glass Repair, had actual knowledge of the '180 Patent and knew or should have known that the '180 Accused Products embodied the invention claimed in the '180 Patent.

57.

Christopher M. Boyle, as president and owner of Surface Dynamix, and/or through Smart Glass Repair, knew or should have known that there was an objectively high likelihood that his actions constituted infringement of the presumptively valid '180 Patent, and engaged in these actions despite that risk. Therefore the infringement was and is willful.

58.

The infringement by Christopher M. Boyle as president and owner of Surface Dynamix, and/or through Smart Glass Repair, has damaged Glas-Weld, and such infringement should be permanently enjoined by this Court.

COUNT V

(Direct Infringement of the '372 Patent by Christopher M. Boyle)

59.

Glas-Weld repeats and incorporates herein Paragraphs 1-28 of this First Amended Complaint.

// // //

60.

Christopher M. Boyle, as president and owner of Surface Dynamix, and/or through Smart Glass Repair, makes, uses, sells or offers for sale in the United States, or imports into the United States, curing lamp products, including Surface Dynamix's Halo Pro™ products and substantially similar products, which embody the claims of the '372 Patent ("the '372 Accused Products").

61.

Christopher M. Boyle, as president and owner of Surface Dynamix, and/or through Smart Glass Repair, has infringed and is infringing the '372 Patent by making, using, selling or offering for sale in the United States or importing into the United States the '372 Accused Products.

62.

Christopher M. Boyle, as president and owner of Surface Dynamix, and/or through Smart Glass Repair, had actual knowledge of the '372 Patent and knew or should have known that the '372 Accused Products embodied the invention claimed in the '372 Patent.

63.

Christopher M. Boyle, as president and owner of Surface Dynamix, and/or through Smart Glass Repair, knew or should have known that there was an objectively high likelihood that his actions constituted infringement of the presumptively valid '372 Patent, and engaged in these actions despite that risk. Therefore the infringement was and is willful.

64.

The infringement by Christopher M. Boyle, as president and owner of Surface Dynamix, and/or through Smart Glass Repair, has damaged Glas-Weld, and such infringement should be permanently enjoined by this Court.

COUNT VI

(Contributory Infringement of the '372 Patent by Christopher M. Boyle)

65.

Glas-Weld repeats and incorporates herein Paragraphs 1-28 and 59-64 of this First Amended Complaint.

66.

Christopher M. Boyle, as president and owner of Surface Dynamix, and/or through Smart Glass Repair, makes, uses, sells or offers for sale in the United States, or imports into the United States, the '372 Accused Products without a resin injector.

67.

However, these '372 Accused Products sold without a resin injector are designed for use with a resin injector, and Surface Dynamix's website shows pictures of such '372 Accused Products coupled with Resin Injectors, with a request that purchasers indicate the type of resin injector with which the '372 Accused Products will be used. A printed copy of the Surface Dynamix website is attached hereto as Exhibit N.

68.

Accordingly, Christopher M. Boyle, as president and owner of Surface Dynamix, and/or through Smart Glass Repair, knew or should have known that selling the '372 Accused Products to customers who would use the '372 Accused Products with a resin injector would constitute infringement of the '372 Patent by these customers.

69.

These '372 Accused Products without the resin injector are a component part for the patented item claimed in certain claims of the '372 Patent.

70.

The '372 Accused Products without the resin injector are a material part of the patented item claimed in one or more claims of the '372 Patent.

71.

Christopher M. Boyle, as president and owner of Surface Dynamix, and/or through Smart Glass Repair, had knowledge that the '372 Accused Products without the resin injector are especially made for use with a resin injector so as to infringe the '372 Patent.

72.

Indeed, as shown by the Surface Dynamix website, Christopher M. Boyle, as president and owner of Surface Dynamix, and/or through Smart Glass Repair, sold or offered for sale the '372 Accused Products without the resin injector with the intent and purpose that its customers would combine them with a resin injector and thereby infringe the '372 Patent.

73.

The '372 Accused Products without the resin injector do not have any substantial non-infringing uses.

74.

Accordingly, Christopher M. Boyle, as president and owner of Surface Dynamix, and/or through Smart Glass Repair, has committed contributory infringement and is committing contributory infringement of the '372 Patent by making, using, selling or offering for sale in the United States or importing into the United States the '372 Accused Products.

75.

Christopher M. Boyle, as president and owner of Surface Dynamix, and/or through Smart Glass Repair, knew or should have known that there was an objectively high likelihood that these actions constituted infringement of the presumptively valid '372 Patent, and engaged in these actions despite that risk. Therefore, the contributory infringement of the '372 Patent was and is willful.

76.

The contributory infringement by Christopher M. Boyle, as president and owner of Surface Dynamix, and/or through Smart Glass Repair, has damaged Glas-Weld, and such infringement should be permanently enjoined by this Court.

COUNT VI

(Unfair Competition by Michael P. Boyle and Christopher M. Boyle)

77.

Glas-Weld repeats and incorporates herein Paragraphs 1-28 of this First Amended Complaint.

78.

Defendant Michael P. Boyle, dba Surface Dynamix, unlawfully misappropriated Glas-Weld's customer list.

79.

The Boyles have continued to improperly and unlawfully use Glas-Weld's customer lists to market Surface Dynamix Products to Glas-Weld's Customers.

80.

Michael P. Boyle has further signed emails to customers labeling himself as the "X-President" of Glas-Weld, and further trading off of Glas-Weld's goodwill and reputation in order to sell his own products. Exhibits E, F, G, and H.

81.

Moreover, the Boyles have made false allegations and derogatory and defamatory comments about Glas-Weld and its officers, employees and owners. See Exhibits E, F, G, H, J, K, L and M.

82.

The Boyles have manufactured Surface Dynamix's products from Glas-Weld's proprietary designs, copying them, and used Glas-Weld's former manufacturer,

Deschutes Manufacturing. This is evidenced, in part, by Surface Dynamix's resin injectors which bear the unique thread pattern typical of the Glas-Weld products manufactured by Deschutes Manufacturing.

83.

The Boyle's actions have created or are likely to create confusion in the marketplace regarding the origin of the Surface Dynamix Products as being from Glas-Weld.

84.

Furthermore, at least one former Glas-Weld customer that purchased products from Surface Dynamix subsequently ceased doing business with Surface Dynamix because of the poor quality of their products, and now are Glas-Weld's customers. Accordingly because of the Boyles' actions using Glas-Weld's trade name to market their knock-off goods, Glas-Weld's goodwill and reputation for the glass repair products it has designed are at risk.

85.

The Boyles' actions constitute passing off its glass repair products as Glas-Weld products.

86.

The Boyles' actions constitute unfair competition.

87.

Glas-Weld has been damaged as a result of the Boyles' unfair competition, including losing sales to Surface Dynamix where the Boyles have offered Glas-Weld customers unauthorized Glas-Weld knock off products.

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88.

Accordingly, Glas-Weld should be awarded damages for the Boyles' unfair competition, and the Boyles' continuing acts of unfair competition should be enjoined by the Court.

REQUEST FOR JURY TRIAL

89.

Plaintiff requests a jury trial.

PRAYER

WHEREFORE, plaintiff GlasWeld Systems, Inc. respectfully requests the following relief:

(a) That the Court find that Michael P. Boyle, dba Surface Dynamix, and/or through Smart Glass Repair, has infringed and/or is infringing the '180 Patent and award damages resulting therefrom;

(b) That the Court find that Michael P. Boyle, dba Surface Dynamix, and/or through Smart Glass Repair, has infringed and/or is infringing, directly and/or indirectly, the '372 Patent and award damages resulting therefrom;

(c) That the Court find that Christopher M. Boyle, as president and owner of Surface Dynamix, and/or through Smart Glass Repair, has infringed and/or is infringing the '180 Patent and award damages resulting therefrom;

(d) That the Court find that Christopher M. Boyle, as president and owner of Surface Dynamix, and/or through Smart Glass Repair, has infringed and/or is infringing, directly and/or indirectly, the '372 Patent and award damages resulting therefrom;

(e) That the Court find that Michael P. Boyle, dba Surface Dynamix, and/or through Smart Glass Repair, and Christopher M. Boyle, as president and owner of Surface Dynamix, and/or through Smart Glass Repair, have engaged in unfair competition;

(f) That the Court grant Glas-Weld injunctive relief enjoining Michael P. Boyle, dba Surface Dynamix, and/or through Smart Glass Repair, from manufacturing, using, selling, offering for sale, and/or importing products that infringe the '180 Patent and '372 Patent, including the '180 Accused Products and the '372 Accused Products;

(g) That the Court grant Glas-Weld injunctive relief enjoining Christopher M. Boyle, as president and owner of Surface Dynamix, and/or through Smart Glass Repair, from manufacturing, using, selling, offering for sale, and/or importing products that infringe the '180 Patent and '372 Patent, including the '180 Accused Products and the '372 Accused Products;

(h) That the Court grant Glas-Weld all appropriate additional monetary relief, including an award of treble damages against Michael P. Boyle, dba Surface Dynamix, and/or Smart Glass Repair and Christopher M. Boyle, as president and owner of Surface Dynamix, and/or Smart Glass Repair, for willful infringement;

(i) That the Court find that this is an exceptional case under 35 U.S.C. § 285;

(j) That the Court grant Glas-Weld injunctive relief enjoining Michael P. Boyle, dba Surface Dynamix, and/or Smart Glass Repair, and Christopher M. Boyle, as president and owner of Surface Dynamix, and/or Smart Glass Repair, from continuing to engage in unfair competition;

(k) That the Court grant Glas-Weld all appropriate additional monetary relief, against Michael P. Boyle, dba Surface Dynamix, and/or Smart Glass Repair, and Christopher M. Boyle, as president and owner of Surface Dynamix, and/or Smart Glass Repair, for their unfair competition;

(l) That the Court award Glas-Weld its attorneys' fees, costs and interest incurred in this action; and

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- (m) That the Court grant Glas-Weld any additional relief, either in law or
- (n) equity, as the Court determines is just and equitable.

DATED: July 24, 2013.

COSGRAVE VERGEER KESTER LLP

/s/ Paul A. C. Berg

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing **FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT** on the date indicated below by:

- ☐ mail with postage prepaid, deposited in the US mail at Portland, Oregon,
- ☐ hand delivery,
- ☐ facsimile transmission,
- ☐ overnight delivery,
- ☒ electronic filing notification.

If served by facsimile transmission, attached to this certificate is the printed confirmation of receipt of the document(s) generated by the transmitting machine. I further certify that said copy was placed in a sealed envelope delivered as indicated above and addressed to said attorney(s) at the address(es) listed below:

James A. Gale, Esq.
Javier Sobrado
Gergory L. Hillyer
Feldman Gale, P.A.
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Miami, FL 33131
Of Attorneys for Plaintiff

Michael P. Boyle
Surface Dynamix
64619 W Highway 20, Unit B
Bend, OR 97701
Of Attorneys for Defendant Pro Se

DATED: July 24, 2013

/s/ Paul A. C. Berg
Paul A. C. Berg